

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 7

Case No. 1-18-42486 (ESS)

MICHAEL HEILBRON.

Debtor,

\_\_\_\_\_X

BENJAMIN PLAZA, JR.,

Chapter 7 Creditor

Plaintiff.

v.

Adv. Proc. No. 18-01055-ess

MICHAEL HEILBRON,

Defendant.

\_\_\_\_\_X

ANSWER

Defendant Michael Heilbron by his attorney George Bassias Attorney LLC, as for his answer states the following:

1. Denies paragraphs 8 and 9 of plaintiff's complaint in that defendant's actions were not willful and malicious; and defendant did not mean and intend for plaintiff to sustain the injuries that he sustained.
2. Denies 12 in that while he knowingly became engaged in a fight he did not knowingly intend to injure plaintiff in the manner that he was injured.

FIRST AFFIRMATIVE DEFENSE

3. That plaintiff's injuries were caused in whole or part by his own actions in intimidating, harassing, threatening, defendant and mutually engaging in a fight of passion over a common female love interest.

#### SECOND AFFIRMATIVE DEFENSE

4. That defendant's actions were knowingly engaging in a mutual fight with plaintiff, in the heat of passion, however, he never intended, willfully and maliciously to injure plaintiff.

#### THIRD AFFIRMATIVE DEFENSE

5. That defendant's conduct and plaintiff's mutual conduct was reckless and substantially certain to cause injury to each other.

Wherefore Defendant prays for a judgment dismissing the complaint and whatever else the court deems proper.

Dated: Queens, NY  
May 10, 2018

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